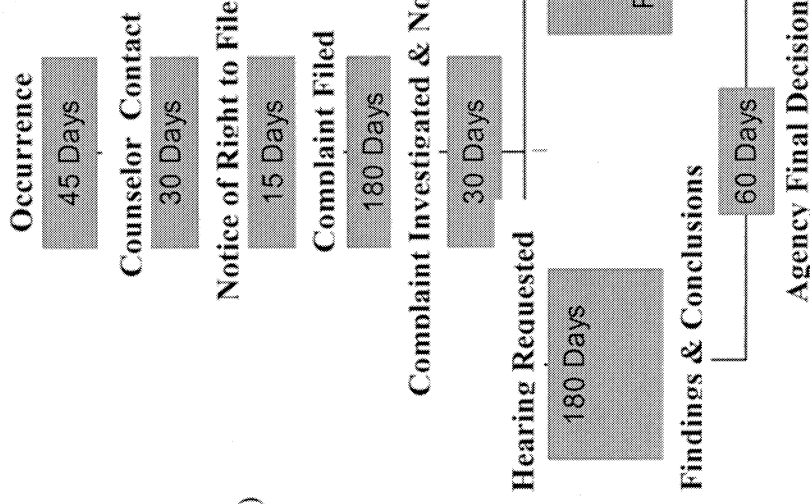


# EEO COMPLAINT PROCESSING PROCEDURES



*Federal Section Complaint Processing Under 29  
C.F.R., Part 1614*



Complainant has 30 days to file appeal with EEOC after agency dismisses complaint or decides complaint on the merits.

Complainant can file civil action within 90 days of agency decision or EEOC decision or appeal, or within 180 days after filing complaint or appeal.

## *Fair Labor Standards Act of 1938, as Amended (Equal Pay Act of 1963) (EPA)*

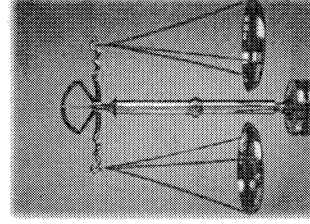
The EPA prohibits sex based wage discrimination. It prohibits federal agencies from paying employees of one sex less wages than those of the opposite sex for performing substantially equal work.

## *29 C.F.R. Part 1614*

The regulations governing the processing of federal sector discrimination complaints are contained in Title 29 of the Code of Federal Regulations (C.F.R.) Part 1614.

## *Civil Rights Act of 1991*

The Act amended Title VII of the Civil Rights Act of 1964, Americans with Disabilities Act of 1990, Age Discrimination in Employment Act of 1967, Civil Rights Act of 1866 (42 U.S.C. Section 1981), and Civil Rights Attorney's Fees Awards Act of 1976.



## EQUAL EMPLOYMENT OPPORTUNITY

For additional information on the Federal Complaint Processing Procedures, please contact the Equal Employment Opportunity Office, Room G056 (301) 295-3032 or DSN 295-3032

## **PURPOSE**

The **purpose** of this pamphlet is to provide employees of the Office of the Secretary of Defense, the Joint Staff, and all activities serviced by Washington Headquarters Services with the policies, procedures, and guidance relating to the processing of employment discrimination complaints governed by the Equal Employment Opportunity Commission's (EEOC) Regulations in 29 C.F.R. part 1614.

### **Informal Stage**

#### **Requirements for Aggrieved Persons**

##### **Aggrieved Persons Must Contact an EEO**

##### **Counselor**

All persons who believe they have been discriminated against because of **race, color, religion, sex, national origin, age, mental/physical handicap or reprisal must first make contact with an EEO counselor** to receive counseling before filing a formal complaint of discrimination. The counselor must make whatever inquiry into the matter he/she believes necessary and seek resolution of the matter on an informal basis.

- **Time Limits**

A person who believes he/she has been discriminated against is required to contact an EEO counselor **within 45 days** of the date the alleged discriminatory event occurred, or the effective date of the alleged discriminatory personnel action.

- **Resolution of the Matter**

If during the course of the EEO Counselor's inquiry, the agency and the aggrieved person agree to an informal resolution of the matter, the terms of the resolution should be **reduced to writing and signed by both parties.**

- **Failure to Resolve the Matter**

If a resolution is not reached, the counselor must hold a final interview with the aggrieved person within 30 days of the date he/she brought the matter to the counselor's attention. The aggrieved person has **15 calendar days after receipt of the notice to file a formal complaint.**

### **Formal Stage**

- **Investigation**

If the aggrieved person elects to file a formal complaint, the investigation should be completed within 180 days of the date of filing the individual complaint.

- **Hearing**

The agency shall notify the aggrieved person that, within 30 days of receipt of the investigative file, he/she has the right to request a hearing before an EEOC administrative judge or may receive an immediate final decision from the agency with which the complaint was filed. In the absence of the required notice, the aggrieved person may request a hearing at any time after 180 days has elapsed from the filing of the complaint.

- **Findings and Conclusions**

Following the aggrieved person's request for a hearing by the EEOC, an administrative judge shall issue findings of fact and conclusions of law on the merits of the complaint **within 180 days from the date of filing the individual complaint.** If the agency does not reject or modify the administrative judge's findings and conclusions within 60 days, then the findings

and conclusions and the relief ordered by the administrative judge shall become the final decision of the agency.

- **Agency Final Decision**

The agency shall issue a **final decision within 60 days of receiving notice of the aggrieved persons request** for an immediate decision or within 60 days of receiving the finding and conclusion of an administrative judge. The final decision will be based on the merits of each issue in the complaint. **The final decision shall contain appeal rights to EEOC,** notice of right to file a civil action in federal district court and the applicable time limits for appeal and lawsuit.

### **Statutes and Regulations**

**Title VII of the Civil Rights Act of 1964, as Amended**

Title VII prohibits discrimination based on race, color, religion, sex, or national origin. It also **prohibits reprisal or retaliation** for participating in the discrimination complaint process or for opposing any unlawful employment practice under Title VII.

**Age Discrimination in Employment Act of 1967 as Amended (ADEA)**

The ADEA prohibits discrimination in employment on the basis of age (40 years or older)

**Rehabilitation Act of 1973, as amended**

The Rehabilitation Act prohibits discrimination on the basis of mental and physical handicap.